

Sixth Appellate District

San Jose, California

MONDAY, APRIL 5, 2004

H026218 PEOPLE v. MACIAS

The judgment is modified to reduce the restitution fund fine from \$400 to \$200. The trial court shall prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 5, 2004

H025823 PEOPLE v. FARMER

The matter is remanded to the trial court. The court shall determine and award defendant custody and conduct credits, pursuant to sections 2900.5 and 4019. If the calculation results in a change in custody credits, the court shall prepare an amended abstract of judgment and forward it to the California Department of Corrections.

With the exception of a possible revision of custody credits as provided above, there are no changes in the judgment. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 5, 2004

H025341 PEOPLE v. WHITE, et al.

The judgments are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed April 5, 2004

TUESDAY, APRIL 6, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Wunderlich, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H024195 PEOPLE v. GEBREZGIABHER

Cause called. Kathy Chavez counsel for Appellant is not present. Sharon Wooden, Deputy Attorney General, appearing for Respondent, is present. Cause ordered submitted without argument.

Sixth Appellate District

San Jose, California

Tuesday, April 6, 2004 (continued)

H023991 JASMINE NETWORKS, INC. v. MARVELL SEMICONDUCTOR, INC.,
et al.

Cause called and argued by Mary Arand appearing for Appellant and by Kevin Fong appearing for Respondents. Cause ordered submitted. Rushing, P.J. thereafter leaves the bench; Bamattre-Manoukian, Acting P.J., is substituted in the panel for the last case on the morning calendar.

H024863 MARRIAGE OF MARTIN AND KATZ

Cause called and argued by Aaron Lee Katz, appellant appearing in propria persona, and by Jessica Valenzuela Santamaria and Donelle C. Morgan appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Jane Valdez Flor, Deputy Clerk.

H026019 PEOPLE v. KRISHAN

Cause called and argued by Julie Schumer appearing for Appellant and by Michelle Jessica Pirozzi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026143 CARCHEDI v. SAFEWAY, INC., et al.

Cause called and argued by Mark Millen appearing for Appellant and by Dennis Howell appearing for Respondents. Cause ordered submitted.

McAdams, J. leaves the bench and Wunderlich, J. takes the bench.

H026139 PEOPLE v. PEREZ

Cause called and argued by Gordon B. Scott appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025047 HUDSON, a Minor, etc., et al. v. LENZ, et al.

Cause called and argued by Edward Robertson appearing for Appellants and by Joseph H. Fagundes appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 6, 2004 (continued)

H025384 TERMAAT v. SCHROPP, JR.

Cause called and argued by appellant Donald Schropp appearing In Propria Persona. No appearance is made by respondent Barbara Termaat. Cause ordered submitted. Court is adjourned.

H025033 PEOPLE v. BUTLER, et al.

With regard to Butler, the judgment is reversed. With regard to Martin, the judgment is affirmed. (not published) (Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 6, 2004

H025237 MACDONALD v. ASPECT DEVELOPMENT, INC., et al.

(Filed order modifying opinion.) This modification does not affect the judgment. (not published)
(Mihara, J., Rushing, P.J., Wunderlich, J.)
Filed April 6, 2004

WEDNESDAY, APRIL 7, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; and J. Michel Casique, Deputy Clerk.

H024281 MARRIAGE OF DAVID ALLEN BOONE & XIAOHONG DING

Cause called for hearing on order to show cause re nonpayment of sanctions. John R. Conwell appeared with Appellant Xiaohong Ding. The Court directs the clerk of the court to cash the previously tendered check in the amount of \$3,500. In the event there are insufficient funds, Appellant and counsel are directed to appear before the court on April 14, 2004 at 11:00 a.m. Court stands in adjournment.

H026113 VENTURE LAW GROUP, et al. v. SUPERIOR COURT; SINGHANIA

Let a peremptory writ of mandate issue directing respondent court to vacate its order of June 13, 2003, granting the motion of real parties in interest to compel deposition testimony from third party witness Ashley Giesler, and to enter a new and different order denying the motion. Upon finality of this opinion, the temporary stay order is vacated. Costs in this original proceeding are awarded to petitioners. (not published) (Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed April 7, 2004

Sixth Appellate District

San Jose, California

THURSDAY, APRIL 8, 2004

H025592 BREWER v. SWAN MAGNETICS, INC., et al.

We deny defendants' appellate motion to dismiss the appeal and for sanctions. We also reject plaintiff's request for sanctions against defendants. We affirm the trial court's order denying plaintiff's motion for disqualification and other relief. Defendants are awarded their costs on appeal. (not published) (McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 8, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Beth Miller, Deputy Clerk.

H025140 PEOPLE v. JAMISON

Cause called and argued by Michael Sattris appearing for Appellant and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025753 THE RACER'S GROUP, et al. v. THOMPSON, et al.

There being no appearances made, the cause is ordered submitted.

H025805 HADDAD, et al. v. CITY COUNCIL OF MONTEREY

Cause called and argued by Lou Haddad appearing for Appellants and by Deborah Ann Mall appearing for Respondents. Cause ordered submitted.

H025990 OLIVERIO v. J.R. NELSON & ASSOCIATES, INC.

Cause called and argued by Stephen Joseph Schori appearing for Appellant and by Mark O' Connor appearing for Respondent. Cause ordered submitted.

H026295 FILIPONE v. DREW

Cause called and argued by Christian Braid Pezzaglia appearing for Appellant and by Dennis H. Kollenborn appearing for Respondent. Cause ordered submitted.

H025885 FARMERS INSURANCE EXCHANGE v. GREER

Cause called and argued by Louis D. Silver appearing for Appellant and by Lawrence M. Guslani appearing for Respondent. Cause ordered submitted. The court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, April 8, 2004 (continued)

H025792 PEOPLE v. SCOTT

(Filed order modifying opinion.) The petition for rehearing is denied. There is no change in the disposition. (not published)

(Wunderlich, J., Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 8, 2004

H025766 KOVACS v. PRITCHARD, et al.

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 8, 2004

H026302 In re ISMAEL H.; SANTA CRUZ CO. HRA v. MARILU H.

The juvenile court's orders are affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed April 8, 2004

H025461 PEOPLE v. ABDI

The judgment is reversed and remanded for resentencing before a judge other than Judge William Danser. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 8, 2004

H023991 JASMINE NETWORKS, INC. v. MARVELL SEMICONDUCTOR, INC., et al.

The judgment is reversed. (published)

(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed April 8, 2004

H026288 PEOPLE v. JOHNESHA S.

The juvenile court's disposition order is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 8, 2004

Sixth Appellate District

San Jose, California

Thursday, April 8, 2004 (continued)

H026039 PEOPLE v. SANCHEZ

The judgment is modified as follows: as to count 5 (Pen. Code, § 261, subd. (a)(2), rape) the Penal Code section 12022.3, subdivision (a), enhancement term is modified from a four-year term to a three-year term; as to count 6 (Pen Code, § 261, subd. (a)(2), rape), the Penal Code section 12002.3, subdivision (a), enhancement imposed is modified from a four-year term to a three-year term; the sentences on count 8 (Pen. Code, § 591, severing telephone lines), count 16 (Pen. Code, § 422, criminal threats) and count 17 (Veh. Code, § 10851, vehicle theft) are ordered stayed pursuant to Penal Code section 654. The clerk of the court is ordered to prepare an amended abstract of judgment reflecting these modifications and forward it to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 8, 2004

H024195 PEOPLE v. GEBREZGIABHER

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed April 8, 2004

H026099 ANDERSON v. COUNTY OF SANTA CLARA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 8, 2004

H026084 PEOPLE v. PATHAN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 8, 2004

H026024 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 8, 2004

Sixth Appellate District

San Jose, California

Thursday, April 8, 2004 (continued)

H026301 THOMPSON, et al. v. COUNTY OF SANTA CLARA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed April 8, 2004

H026520 PEOPLE v. NUNEZ

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)
Filed April 8, 2004

FRIDAY, APRIL 9, 2004

H026183 PEOPLE v. LEE

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 9, 2004

H026240 PEOPLE v. POOLE

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 9, 2004

H026419 PEOPLE v. PEREZ

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 9, 2004

H025861 PEOPLE v. COLLINS, JR.

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 9, 2004

H025368 RAMIREZ, et al. v. A&P PALLET

By the Court*:

Appellants' petition for rehearing is denied.
Filed: April 9, 2004

*Before Bamattre-Manoukian, Acting P.J., and Mihara, J.

Sixth Appellate District

San Jose, California

Friday, April 9, 2004 (continued)

H024565 PEOPLE v. GHADERI

By the Court*:

Appellant's petition for rehearing is denied.

Filed: April 9, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.